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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 THE ORR WATER DITCH CO., *et al.*,

14 Defendants.

Case No. 3:73-cv-00003-LDG

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16 **ORDER**

17 Previously, this court required the Moving Parties¹ to serve all potential owners of
18 Orr Ditch decreed water rights with a notice of their Motion to Amend the Orr Ditch Final
19 Decree. In conjunction with that notice, the court provided water right owners with an
20 opportunity to appear and participate in this matter. The response of water right owners
21 has been significant. At present, more than 900 parties have returned Notices of
22 Appearance.

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¹ The Moving Parties now include the United States, the State of California
25 acting by and through the California Department of Water Resources and the California
26 State Water Resources Control Board, the State of Nevada, the Truckee Meadows Water
Authority, the Washoe County Water Conservation District, the Pyramid Lake Paiute Tribe,
and the City of Fernley, Nevada.

1 While some of these water right owners are represented by counsel, more than 800
2 are not. As a result, in considering the management of this matter, the Court has identified
3 a need for an effective and efficient method for the Court, as well as the parties, to serve
4 documents on those water right owners who are not represented by counsel.

5 At present, a cost-effective system is already in place for the Court to serve
6 documents on those water right owners who are represented by counsel. This existing
7 procedure is the Court's CM/ECF (Case Management/Electronic Case Filing) system,
8 which counsel in the District of Nevada are required to use. When the Court enters an
9 Order, or when a party files a document, the CM/ECF system automatically creates an
10 electronic notice of the filing and then sends that notice, by e-mail, to the parties who
11 participate in the CM/ECF system. The notice created by the CM/ECF system includes a
12 link to an electronic copy of the filed document. This allows those persons who receive the
13 notice to easily and quickly retrieve an electronic copy of the filed document. The Federal
14 Rules recognize this electronic transmission of the notice, including the link allowing
15 retrieval of the electronic copy of the document, as an appropriate method of service. See,
16 Federal Rules of Civil Procedure 5(b)(2)(E) and 5(b)(3). Since the CM/ECF system delivers
17 documents electronically, no costs are incurred in copying or mailing documents to those
18 persons registered to use the CM/ECF system.

19 At present, however, the use of the CM/ECF system is limited to lawyers
20 representing a party. As such, service of a document upon someone who is not
21 represented by a lawyer must be accomplished by some other appropriate means. Of
22 those remaining means, service by mail is among the most cost-effective and is the method
23 typically used by the Court to serve parties who are representing themselves. While the
24 cost of copying and mailing a document is not significant when only a few parties must be
25 served, the cumulative cost can become quite significant when numerous persons must be
26 served. As noted previously, more than 800 water right owners have filed Notices of

1 Appearance but are not represented by counsel. As a result, the postage costs to serve a
2 document could exceed \$350 any time the Court, or any party, is required to serve a
3 person by first class mail.

4 While the Court is concerned with the costs to the judiciary, of greater concern is that
5 the cost of serving documents by mail might impede the participation of all parties to this
6 matter, particularly those water right owners who are not represented by counsel. With this
7 in mind, the Court has considered procedures by which water right owners may file a
8 document in this matter without also incurring the cost of mailing a copy of that document to
9 every other water right owner. The Court has determined that this can be appropriately
10 accomplished by allowing all water right owners to participate as receiving users in the
11 CM/ECF system for purposes of the Motion to Amend the Decree. This will allow the
12 electronic delivery, to all water right owners, of all documents filed in this matter.

13 Accordingly, the Court invites all water right owners who are not represented by
14 counsel to register for the electronic delivery of documents from the Court's CM/ECF
15 system for the Orr Water Ditch Litigation.

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17 **For those persons electing to receive electronic delivery of documents:**

18 Please complete and return, not later than Friday, July 23, 2010, the attached
19 **Notice Regarding Means for Service**, being sure to also complete the **Registration for**
20 **Electronic Delivery of Documents – Orr Water Ditch Litigation**. Mail the Notice to the
21 following address:

22 U.S. District Court Clerk
23 Attn: A-3 Notice Clerk
24 Bruce R. Thompson U.S. Courthouse
400 S. Virginia St. #301
Reno, NV 89501

25 After you register to receive electronic delivery of documents, the Court's CM/ECF
26 system will send you a notice, by e-mail, each time a document is filed in this matter. This

1 e-mail will be sent to you within moments after the document is filed. Further, the e-mail
2 will include a link to an electronic copy of the filed document, allowing you to retrieve a copy
3 of the filed document.

4 Your participation in the CM/ECF system will be limited to the pending Motion to
5 Amend the Orr Ditch Final Decree. That is, you will only receive delivery of electronic
6 notices and documents that are relevant to the pending Motion to Amend. When the
7 Motion to Amend the Orr Ditch Final Decree is finally decided, you will no longer receive
8 notices from the CM/ECF system.

9 The court would note that registration to participate in the CM/ECF system requires
10 that you provide the Clerk of the Court with both a valid e-mail address and a telephone
11 number. The e-mail address you provide will be the address to which the CM/ECF system
12 will send electronic notices. The telephone number will be used exclusively for the purpose
13 of allowing court employees to contact you during business hours to resolve any issues that
14 might arise regarding the delivery of an e-mail. You may wish to create and use an e-mail
15 address solely to receive documents from the court's CM/ECF system.

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17 **For those persons who elect to NOT receive electronic delivery of documents:**

18 To assist the Court in ensuring that all water right owners continue to receive
19 notices, the Court would ask that you complete and return the **Notice Regarding Means**
20 **for Service** not later than Friday, July 23, 2010. You do not need to complete the
21 Registration for Electronic Delivery portion of the form. Please mail the **Notice** to:

22 U.S. District Court Clerk
23 Attn: A-3 Notice Clerk
24 Bruce R. Thompson U.S. Courthouse
400 S. Virginia St. #301
Reno, NV 89501

25 You will continue to receive notices by mail. However, in order to limit the costs of
26 service and to promote the participation of all parties, the court will be establishing a

1 procedure to limit the number of notices and documents that will be mailed to you. Under
2 this procedure, you will not receive a separate notice each time a document is filed.
3 Rather, on a periodic basis, you will receive a notice identifying all recently filed documents.
4 Of necessity, the mailed notice cannot include copies of the documents that have been
5 filed, but will instead indicate the location where you can review copies of the filed
6 documents.

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8 IT IS SO ORDERED.

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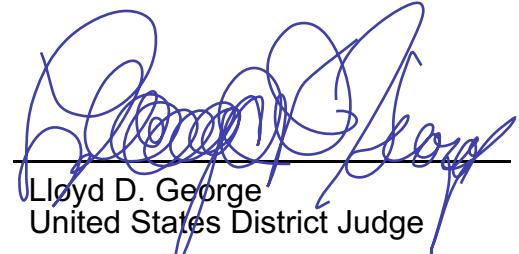
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DATED this 15 day of July, 2010.


Lloyd D. George
United States District Judge

1 In Equity A-3: USA v. Orr Water Ditch Company

2 **Notice Regarding Means for Service**

3 Please indicate how you will receive service in this matter. You may select only one
4 method.

5 I will register for electronic delivery of documents.
6 I will continue to receive service by mail.

7 Name: _____

8 Signature: _____ Date: _____

9 Complete the following ONLY IF you are registering for electronic delivery of documents.

10 **Registration for Electronic Delivery of Documents - Orr Ditch Litigation**

11 By completing the following registration form, you are consenting to receiving the electronic
12 delivery of documents pursuant to the Federal Rules of Civil Procedure via the Court's
13 electronic filing system. This consent is limited to documents filed relevant to the Motion to
14 Amend or Modify the Orr Ditch Final Decree, and does NOT extend to service of a
complaint and summons. This consent *does* include electronic notice of any order or
judgment. You are also agreeing to abide by the requirements stated herein.

15 Name: _____

16 Phone number: _____

17 E-mail Address: _____

18 Confirm E-mail Address: _____

19 The CM/ECF system follows and must be used in conjunction with the Federal Rules of
Civil and Criminal Procedure, the Local Rules, and any administrative orders and policies of
the United States District Court for the District of Nevada.

20 **I accept the above rules and guidelines. (If you do not check this box, you will
21 not be registered to receive electronic delivery of documents.)**